

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

v.

MDL No: 1:13-md-2419-RWZ

This Document Relates to:

Kennedy, et al. v. Unifirst Corporation, et al.

No: 1:13-cv-13227-RWZ

Musselwhite v. Unifirst Corporation, et al.

No: 1:13-cv-13228 -RWZ

SECOND AMENDED JOINT MOTION FOR ORDER TO SET BRIEFING SCHEDULE

The defendants, Advanced Pain & Anesthesia Consultants, PC d/b/a APAC Centers for Pain Management and Randolph Y. Chang, M.D., (hereinafter the “APAC Defendants”) and the Plaintiffs’ Steering Committee (“PSC”) have conferred in order to establish a briefing schedule for PSC’s Response to APAC Defendants’ Motion to Dismiss in the above referenced dockets. APAC Defendants’ Motion to Dismiss (the “Motion”) was filed with this Court on May 7, 2014.

The parties have agreed to the following briefing schedule, with such proposed dates superseding those dates set forth in the Amended Joint Motion filed on April 10, 2014 (Docket #1088):

1. The APAC Defendants have agreed to produce documents in response to the PSC’s Subpoena in advance of the deadline for the PSC to file an Opposition to the Motion to Dismiss. The APAC Defendants have agreed to produce documents in response to the PSC’s Subpoena on or before **May 30, 2014**.
2. The PSC will file its Opposition to the Motion no later than **June 30, 2014**.
3. The APAC Defendants will file its Reply to the PSC’s Response to the Motion, if any, no later than **July 14, 2014**; and (limited to 5 pages)
4. If necessary, the PSC may file a sur-reply to the Reply to the PSC’s Response to the Motion, if any, no later than **July 21, 2014**. (limited to 5 pages)

The parties respectfully request that the Court enter the attached order to formalize the above-described revised briefing schedule.¹ In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument.

Respectfully Submitted,

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¹ The parties agree that further extensions may be necessary depending upon the timing, nature and extent of APAC Defendants production of documents in response to the PSC's Subpoena. If necessary, a joint motion for a revised briefing schedule will be filed with this Court.

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CERTIFICATE OF SERVICE

I, Kimberly A. Dougherty certify that a copy of this document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF) will be sent to these parties by operation of the CM/ECF system on May 23, 2014.

/s/ Kimberly A. Dougherty